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January 27, 2020

(VIA US MAIL AND EMAIL)

Michelle Mullin, Project Manager
USEPA REGION 10
1200 Sixth Avenue
Mail Code: OAW-150
Seattle, WA 98101
Mullin.michelle@epamail.epa.gov

**Re: Rainier Commons Individual Phase Work Plan for Phase III
Risk Based Disposal Approval December 18, 2013 (last amended November 14,
2019, Amendment No. 7)
EPA ID No. WAD051239994**

Dear Ms. Mullin,

As you know, this firm represents Rainer Commons, LLC, the owner of the property commonly referred to as Rainier Commons, also known as the Old Rainier Brewery, located generally at 3100 Airport Way S, Seattle Washington, 98134. Please accept this letter and its attachments as Rainier Commons' Individual Phased Work Plan ("IPWP") for Phase III of the exterior paint removal project at the Rainier Commons campus.

Phase III includes the balance of the work at the campus. All of the Phase III work will be performed pursuant to the EPA's Risk Based Disposal Approval ("RBDA"), dated December 18, 2013, as amended¹. We anticipate EPA's approval of the Phase IIb IPWP will be issued shortly. We further anticipate that the approval of the Phase IIb IPWP will result in an additional formal modification of the RBDA, consistent with informal modifications already issued by EPA. The Phase III work plan submitted herewith is consistent with the Phase IIb modifications agreed to through in-person working sessions, conferences and exchanges of drafts with EPA, prior to the Phase IIb submittal. The Phase III work will, therefore, conform to the previously approved General Work Plan, as modified by the Phase IIb IPWP, except as expressly updated and supplemented as set forth herein. The Phase III IPWP includes the final phase work components as required in the RBDA as well as the soil plan requested by EPA.

¹ Last amended November 14, 2019, Amendment No. 7.

Phase III includes 39 containment set-ups, on 23 buildings. (See Exhibits 1-39). The follow-up work in the sixth floor stairwell area, pursuant to Condition 1 of the RBDA, is included as set-up No. 39. Each containment Set-Up submission attached contains detailed information for each Set-Up, including the building number(s), the particular walls (north, south, east, west) involved, the total square footage of wall area being abated, the wall material type, tenant type (commercial, residential, mixed use), the catch basin zone designation, roof drain information, and building drawings and/or photographs of the area. Each Set-Up submission also shows where the containment will be installed, the locations of the wipe samples for the Set-Up, and a corresponding catch basin sampling diagram, among other items.

Consistent with the previously approved and successfully completed phases of work, the dried applied paint will be physically removed primarily via sandblasting. Touch-up and finish work will be performed by hand, utilizing small tools, such as grinders and chisels. Smooth, non-porous surfaces, such as sheet metal, will be abated via chemical stripper, or by removal and appropriate disposal. Examples would be parapet cap flashings, exterior vent hoods, narrow roof flashings, and so forth. These dried applied paint removal methods are the same as those deployed in the successful Phase I and Phase IIa work, already performed and officially approved as complete by EPA. The containment sketch is included in the PAS work and safety plan. (Exhibit 40 at Exhibit E). The material Safety Data Sheets for the blasting grit, chemical stripper, sealant and dust lock materials are included in the PAS work and safety plan. (Exhibit 40 at Appendix F).

All of the blasting work will be performed in a monitored negative air enclosure, strictly limited to qualified and authorized personnel. The corresponding interior walls will be further protected with a sealed, double walled poly drape system, as depicted in the Set-Up diagrams and described in the PAS work plan and the Interior Protection Plan attached hereto. (Exhibits 1-39, 40 and 48).

The duration of each Set-Up will last approximately four weeks; consisting of four sub-processes, *i.e.* 1) Mobilization; 2) Abatement; 3) Assessment; and 4) Demobilization. The entire duration of Phase III is anticipated to be in the range of 24 months, contingent upon financing, as addressed in meetings and stated below.

Project waste will be collected and stored temporarily on site. Waste will be sent off-site for final disposal at regular intervals during the Phase III work. All federal and state laws for waste handling and disposal will be adhered to. (See Exhibit 47, Storage Facility SOP, for updates to the previous Work Plan and IPWPs). The waste storage plan was updated for Phase III to accommodate the need to relocate the waste storage facility (already updated in Phase IIb IPWP) and to further accommodate the duration and scope of the Phase III work. Waste will be tagged and tracked so that no waste will be held on site more than 90 days.

A soil survey and contingent remediation plan is included with this Phase III IPWP, pursuant to EPA's request. (See Exhibit 49). The soil survey addresses all pervious surface areas, cataloging and addressing all soil, gravel, tree, grass and shrub covered areas of the campus. Soil

characterization and remediation work, if any is needed, will be carried out after the paint removal work is complete.

A detailed plan for cleaning the storm and combined sanitary sewer lines at Rainier Commons, following the final phase of work is also included in the Phase III IPWP. The final utility line work will be carried out following the demobilization of the last set-up and following the soil characterization and any pervious surface remediation indicated by that work. The storm and combined sewer line cleaning will generally follow the approach utilized in collaboration with Seattle Public Utilities in 2013. Additional feedback from the specialty contractors that will be involved, likely Bravo Environmental, Clean Harbors, or a similar qualified contractor is being gathered to finalize the Condition 3 Plan. (See Exhibit 50 to this Phase III IPWP, which will be submitted under separate cover).

EPA asked Rainier Commons to survey the campus and to identify any area that is like the Sixth Floor Stairwell area, namely, any area that used to be an exterior wall that is now enclosed, or is a part of an interior space. After a thorough review of the campus, no other such area has been identified.

The general contractor currently selected to perform the Phase III work is Performance Abatement Services, Inc. ("PAS"). The primary subcontractor is Aqua-Brite Inc. The primary environmental consultant providing certified industrial hygienist, sampling, inspection and laboratory support will continue to be NVL Laboratories, Inc. The Condition 3 storm and combined sanitary sewer line contractor is to be identified. The waste disposal contractor will be selected by the general contractor in consultation with Rainier Commons, at the time of work approval and contracting.

During the Phase III work, Rainier Commons will make weekly reports to the EPA Project Manager, pursuant to the RBDA, Amendment 3, dated August 12, 2014, item 11. The weekly report will generally contain a status summary for the project and work in progress. An illustrative example follows:

Set-Up #3 was completed last week, Set-Up #4 in Demobilization, Set-Up #5 in Assessment, Set-up #6 continues in Abatement. Mobilization activities for Set-Up #7 scheduled to begin next Monday.

Any deviations from the Work Plan, tenant concerns, or unexpected conditions, if any, will also be noted in the weekly reports. Also included with the weekly reports will be any completed *Observation Checklist and Completion Reports* closed out that week.

The wall areas in each Set-Up will be inspected by the contractor prior to release to Rainier Commons for final inspection and approval, or return for punchlist work. Once the wall areas in each Set-Up are reported to be complete by the contractor, Rainier Commons and NVL will inspect the areas for compliance with the visual clearance criteria, namely, all of the visible paint has been removed. NVL will conduct the independent general visual clearance inspection

and the particularized more rigorous two percent, randomized visual inspection, pursuant to the inspection plans successfully deployed on the Phase I and Phase IIa work. (See Exhibits 41 and 42). The efficacy of this approach was proved and re-proved by numerous substrate samples at the campus.

To manage and organize the necessary close out documentation, an *Observation Checklist and Completion Report* will be prepared for each Set-Up. (Exhibit 48e). This should result in one Completion Report submitted approximately every two weeks, after the project is up and running at full production. Field Notes and photographs prepared each day will be relevant to several different Set-Ups, after the initial stage of the work. Therefore, each Completion Report will list all days when each Set-Up was mentioned on a Daily Field Report, photographic records, active blasting dates, and dates of its visual inspection(s). Due to the volume, each of these individual records will be placed on an electronic platform for EPA's access and reference (*e.g.* DropBox).

The project documentation compiled in the weekly reports and in the individual Set-Up completion reports, as referenced above, along with all of the other project documentation, will assist with the orderly compilation of the final Phase III close-out report.

The Exhibits to this Phase III IPWP are incorporated here by reference and are as follows:

1. Set-Up 1;
2. Set-Up 2;
3. Set-Up 3;
4. Set-Up 4;
5. Set-Up 5;
6. Set-Up 6;
7. Set-Up 7;
8. Set-Up 8;
9. Set-Up 9;
10. Set-Up 10;
11. Set-Up 11;

12. Set-Up 12;
13. Set-Up 13;
14. Set-Up 14;
15. Set-Up 15;
16. Set-Up 16;
17. Set-Up 17;
18. Set-Up 18;
19. Set-Up 19;
20. Set-Up 20;
21. Set-Up 21;
22. Set-Up 22;
23. Set-Up 23;
24. Set-Up 24;
25. Set-Up 25;
26. Set-Up 26;
27. Set-Up 27;
28. Set-Up 28;
29. Set-Up 29;
30. Set-Up 30;
31. Set-Up 31;
32. Set-Up 32;
33. Set-Up 33;

- 34. Set-Up 34;
- 35. Set-Up 35;
- 36. Set-Up 36;
- 37. Set-Up 37;
- 38. Set-Up 38;
- 39. Set-Up 39;
- 40. PAS General Work and Safety Plan April 2019² ;
- 41. NVL Visual Inspection Plan to Evaluate Work Performance;
- 42. NVL Example of Method to Randomly Select Two Percent Surface Area to Test;
- 43. Catch Basin Sampling Plan for Phase III IPWP (Condition 6);
 - a. Catch Basin Sampling Zones
 - b. Inventory of Storm Sewer Inlets
- 44. NVL IPWP III Dust Sample Collection and Assessment Plan;
- 45. NVL's Health and Safety Plan (HASP) for the Rainier Common's Exterior Paint Removal Project;
- 46. Oransi Hepa Filtered Air Purifier Product Information;
- 47. SOP for Temporary Storage of Hazardous Waste Materials;
- 48. Rainier Commons Abatement Project Management and Oversight Process Controls;
 - a. Interior Space Assessment, Protection and Inspection Checklist;
 - b. Inventory of Set-Up Specific Conditions;
 - c. NAM Worksheet;
 - d. Abatement Project Interior Protection Process Flow Chart
 - e. Observation and Completion Report

² See Table of Contents for guide to each required section, *e.g.* general work plan, health and safety plan, spill prevention plan, appendices and so forth.

49. NVL Plan for Characterization and Clean-up, if Necessary, of Soil at Rainier Commons Non-Imperious Surface Areas

50. Condition 3 Storm and Combined Sanitary Sewer Line Cleanout Plan – finalization pending will be submitted under separate cover.

Some of the Phase IIb updates, currently pending approval, and in particular the air monitoring and wipe sampling components of the plan, will result in formal amendment to the RBDA. We, therefore, asked that EPA issue an additional amendment to the RBDA, or a combined approval of Phase IIb IPWP, with the amendment to the RBDA, consistent with the Phase IIb supplement to the work plan. We have not yet received that approval and modification, but trust that it will be issued shortly. This IPWP Phase III is based upon and incorporates those anticipated formal modifications to the RBDA, previously requested and informally approved by EPA.

The timing for commencement and completion of the Phase III work is contingent upon financing. Therefore, the approval sought for the Phase III work is expressly conditioned upon the waiver, or modification of the 30 calendar day, Condition 4 commencement date, as set forth in the original RBDA, Condition 4 requirement. Rainier is not committing to undertake the Phase III work, unless and until financing is secured, or a successor in title to the property secures financing for the work. Delays in formal approvals from EPA have made it necessary to seek the approval for the Phase III work first, in order to provide necessary assurances to financial institutions and/or to an interested purchaser that timely progress can be made to complete the work and receive all necessary approvals within a reasonable time frame.

Given the scope of the Phase III work, a modification to the Condition 4 commencement date is further required to allow for rational planning with the contractors involved. Contractor scheduling and mobilization cannot reasonably be assured within 30 days of the date of EPA's formal approval, where that date is unknown and cannot be reasonably predicted. Given the variance from the EPA's initial commitment to make best efforts to issue approvals within 30 days of the submittal of work plans, Rainier Commons is not able to commit itself to a contract 30 days out from plan submittals, as the parties initially envisioned. We anticipate an appropriate modification to the Condition 4 work start date requirement will, therefore, accompany the Phase III IPWP approval to accommodate the financing contingency and the functional realities of approval delays and contractor scheduling.

We appreciate your time and effort on this project to date. We look forward to the Phase III approval at your earliest convenience. We trust that the extended Phase IIb review period will have established the framework for an expedited approval for the balance of the Phase III work.

We are transmitting a hard copy of this cover letter with a CD containing the enclosures. Due to the overall volume of the submittal, we are providing an electronic copy to you via email with a sharefile link to the enclosures as opposed to pdf attachments. Should EPA require a full printout in hard copy form, please let my office know and we will prepare a hardcopy in

notebook form for EPA. An estimate of the printed volume will be in the range of a thousand pages. Therefore, it is our hope that the electronic version will suffice.

Please let us know if you have questions in advance of EPA's issuance of its formal approval and the corresponding RBDA modifications.

Very truly yours,

RYAN, SWANSON & CLEVELAND, PLLC



Jo M. Flannery
Attorney Of Counsel

Enclosures

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